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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,589	02/15/2005	Shinichi Tsuchida	2005_0170A	6556
52349 7590 03/19/2009 WENDEROTH, LIND & PONACK L.L.P. 1030 15th Street, N.W. Suite 400 East Washington, DC 20005-1503				
EXAMINER				
NOORISTANY, SULAIMAN				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/524,589

Applicant(s)

TSUCHIDA ET AL.

Examiner

SULAIMAN NOORISTANY

Art Unit

2446

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-27, 29, 33, 38 and 39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-27, 29, 33, 38 and 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/7/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 2/15/2005, 5/12/2005, 2/28/2007, 3/2/2009

Detailed Action

This Office Action is response to the application (10/524589) filed on 03/02/2009.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 7 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/18/08 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a), which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 4-27, 29, 33 and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Moyer** Patent App. No. **US 2002/0103898** in view of **Sen (Internet Draft "draft-sen-midcom-fw-nat-01. txt")** further in view of **Humpleman** Patent No. **US 6466971** further in view of **Goh** Patent No. **US 6373841**.

Regarding claims 1, 27, 29 & 38, Moyer teaches a system, method (**system & method**) and a program stored on a computer-readable storage medium (**computer**). Moyer also teaches wherein a home terminal apparatus ("**Networked Appliance**", **paragraph [0073]**) connected to a router via a home network (**Fig. 6, unit 117 -- Set Top Box (STB), which may include a RGW, Cable Modem, ADSL Modem or whatever**) and for sending/receiving packet data ("**messages**", **paragraph [0073]**) to and from a router ("**residential gateway in form of ... Network Address Translator (NAT)**", **paragraph [0073]** and **Fig. 3**) connected to an external network ("**wide area network 300**", **paragraph [0073]** and **Fig. 3**) to which a server apparatus is connected (**SIP proxy**), said home terminal apparatus:

a packet generation unit operable to generate packet data to be sent to the server apparatus via the router ("**device ... IP capable**", **paragraph [0073]**) and;

a communication unit ("**SIP user agent**", **paragraph [0015]**) operable to send/receive the packet data to and from the server apparatus via the router ("**user agent client ... sends SIP requests ... user agent server ...accepts requests ... and sends back responses**", **paragraphs [0015-0016]**),

wherein said protocol determination unit is operable to determine that said home terminal apparatus is to communicate with the server apparatus using (i) a first communication protocol, being a User Datagram Protocol (UDP) ("**UDP**", **paragraph [0054]**), when said communication unit sends address notification packet data ("**REGISTER requests**", **paragraph [0019]**) generated by said packet generation unit

to the server apparatus ("**Registrar ... co-located with a Proxy**", paragraph [0019]), and

(ii) a second communication protocol, being a Transmission Control Protocol (TCP) ("**TCP**", paragraph [0054]) when said communication unit sends/receives control information ("**method called DO**", paragraphs [0051-0053]) to and from the server apparatus (see **bidirectional message exchange (1)-(6) in the scenario shown in Fig. 12**).

Wherein when said communication unit receives, from the server apparatus ("**user agent client ... sends SIP requests ... user agent server ...accepts requests ... and sends back responses**", paragraphs [0015-0016]), a notification packet indicating an occurrence of a control request to control said home terminal apparatus ("**REGISTER requests**", paragraph [0019]):

Said packet generation unit is operable to generate a connection request packet, which is a packet for making a connection request to establish a TCP connection to the server apparatus ("**Registrar ... co-located with a Proxy**", paragraph [0019]); and

Said communication unit is operable to send the connection request packet to the server apparatus using the TCP, and operable to receive, from the server apparatus, control packet data, which is data including the control request in the TCP ("**user agent client ... sends SIP requests ... user agent server ...accepts requests ... and sends back responses**", paragraphs [0015-0016]), after the connection is established between the server apparatus and said home terminal apparatus (see

bidirectional message exchange (1)-(6) in the scenario shown in Fig. 12) using the second communication protocol which is the TCP ("TCP ", paragraph [0054]).

With respect to claim 1, Moyer does not explicitly teach a protocol determination unit operable to determine a communication protocol used between said home terminal apparatus and the server apparatus;

Said protocol determination unit is operable to determine that the connection request packet is to be communicated using the second communication protocol

Humpleman teaches that is well known to have a protocol determination unit operable to determine a communication protocol used between said home terminal apparatus and the server apparatus **(Once a HNORB&IL is located, the device and the HNORB&IL can establish a point-to-point Transmission Control protocol (TCP) or User Datagram Protocol (UDP) connection for registration, interface request and fetch, and device lookup services – Col. 17, lines 37-41);**

Said protocol determination unit is operable to determine that the connection request packet is to be communicated using the second communication protocol **(If a UDP protocol is not available, a TCP protocol can be used for high bandwidth connections such as IEEE 1394 – Col. 17, lines 41-43).**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Moyer's invention by HTTP-based XMLRPC can also be utilized for device to HNORB&IL communications. In addition, there is a need for a method and a system which provides dynamic and central control and command of devices in a home network. There is also a need for such a method and system to

provide the ability for a user to initially control and command a first set of devices to communicate with each other and for the first set of devices to automatically communicate with a second set of devices in the network as necessary in order to accomplish tasks without direct user control and command of the second set of devices. There is also the need for such a method and system to provide the ability for various network devices to automatically command and control other various network devices, as taught by Humpleman (Col. 2).

With respect to claim 1, Humpleman is silent in terms of *"periodically and repeatedly at a predetermined sending interval"*

Sen teaches that it is well known to send address notifications periodically and repeatedly at a predetermined sending interval ("**PING**" **keep-alive messages sent periodically to a designated server -- Page. 7, lines 3-11; Page. 11, lines 6-20).**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Moyer's invention by sending address notifications, knowing well that both SIP and NAT are standardized at the Internet Engineering Task Force (IETF), and that IETF working group "Midcom" primarily focuses on the application of the middle box architectures. By now simply enhancing said home terminal apparatus of Moyer by the additional SIP "PING" feature of Sen, proposes to solve this problem by allowing the Middle-box to be controlled through a generalized control interface by an application-aware entity called Midcom Agent, as taught by Sen.

With respect to claim 1, Sen is silent in terms "*when said communication unit is repeating the sending, using the UDP, of the address notification packet on a periodical basis*"

Goh teaches that is well known to have a system which utilize when said communication unit is repeating the sending, using the UDP, of the address notification packet on a periodical basis **(The host processor 40 notifies the embedded processor 48 that a packet is to be read from PCI address space. The notification could be achieved via an interrupt or polling (wherein the chip periodically checks a memory location in the PCI address space to determine if a packet is to be sent out) -- col. 6 lines 22-37).**

It would have been obvious in one ordinary skill in the art at the time the invention was to modify Moyer's invention by **a chip for a device such as a computer includes a media access controller and an embedded processor. The embedded processor is programmed to function as a web server and provide network manageability information to a network manager. The embedded processor is also programmed to function as a LAN controller. When a packet is received by the media access controller, the embedded processor examines a destination address of the packet and routes the packet to an appropriate end point. Packets having a first unique destination address are routed to a host interface (and eventually to a host processor), and packets having a second unique address are routed to the embedded processor-functioning-as-web server. Thus, the chip**

allows network management and local area network communications to be performed over a single physical interface., as taught by Goh.

Independent apparatus claim 27 includes all the features of apparatus claim 1 and furthermore, some additional features, however, Moyer also discloses according to all these additional features:

the server apparatus includes a second communication unit operable to send / receive packet data ("**proxy server ... acts as both a server and a client for ... for making requests**", paragraph [0017])

the server apparatus includes a second packet generation unit operable to generate packet data to be sent to the home terminal apparatus ("**in an internet context, the proxy server receives ... sends ...**", paragraph [0017]). For this reason, the arguments stated above with regard to claim 1 are also valid for claim 27.

Independent claim 29 relates to a method, which entirely corresponds to the non-inventive subject matter of apparatus claim 27

Independent claim 38 relates to computer software products, which entirely correspond to the non-inventive subject matter of method claim 29.

Regarding claim 5, 13 & 33 Moyer, Sen, Goh and Humpleman together taught the home terminal apparatus according to Claim 1, as described above. Moyer and Sen further teaches -- **the connection request from the protocol determination unit to the server to establish a session when a notification has been received indicating an occurrence of a control request, the receipt of the control data over the**

established connection using the second protocols in claim 33 the retrieval of the control request data in claim 5, the generation and sending of a notification packet by the server in claim 13 are all obvious combination of sending a SIP session invitation or notification, setup of a standard TCP session and application data exchange over a SIP session.

Regarding claim 4, 6, 7, 19 & 20, Moyer, Sen, Goh and Humpleman together taught the home terminal apparatus according to Claims 1 & 13, as described above. Moyer further teaches -- The management units to manage a validity certificate and to send it according to claim 4, the authentication units to authenticate a server according to claims 6, 1, 19 to authenticate the terminal apparatus according to claim 20 are obvious from the well-know SIP security concerns and standard SIP message integrity and access control method ("RFC2543", Paragraphs [0013] and [0022]).

Regarding claim 8, Moyer, Sen, Goh and Humpleman together taught the home terminal apparatus according to Claim 6, as described above. Moyer further teaches -- It is obvious from SIP standard (paragraph [0013]) to destroy packets according to predetermined interval of claim 8, since SIP already forces to discard packets in server when a registration has been expired.

Regarding claim 9, 10 & 21, Moyer, Sen, Goh and Humpleman together taught the home terminal apparatus according to Claims 1 & 13, as described above. Moyer further teaches -- **the encryption unit and the channel encryption in claims 9, 21 are known and the use of SSL in claim 10 is obvious from (paragraph [0454-455]) since SSL is just another alternative method to encrypt links over networks.**

Regarding claim 11, Moyer, Sen, Goh and Humpleman together taught the home terminal apparatus according to Claim 1, as described above. Moyer further teaches -- **the control unit of claim 11 is known as "appliance controller" (paragraph [0092]).**

Regarding claim 12, Moyer, Sen, Goh and Humpleman together taught the home terminal apparatus according to Claim 11, as described above. Moyer further teaches -- **The plurality of apparatuses and apparatus control units connected to the home terminal apparatus in claim 12 is obvious (paragraph [0002]).**

Regarding claims 14, 15, 16, 17, 18 & 33, Moyer, Sen, Goh and Humpleman together taught the home terminal apparatus according to Claims 1 & 13, as described above. Moyer further teaches -- **The mobile terminal device being capable to send control requests, the second packet generation unit preparing and the second communication unit operable to send the notification packet of claims 14, 18 as well as the communication unit operable to send / receive the control data of claims 15, 16, 17, 33 are an obvious combination of the SIP event notification**

mechanism in (paragraph [0030]) and the "remote control" scenarios (paragraphs [0093-0101], Figs. 2-7).

Regarding claim 18, Moyer, Sen, Goh and Humpleman together taught the method of claim 13, as described above. Moyer further teaches -- **The additional features terminal information storage unit to store terminal address data, extraction unit to extract terminal address data and second packet generation unit to generate control requests including that extracted address information server apparatus in the server according to claim 18 are obvious (paragraphs [0093-0094], Fig. 5).**

Regarding claims 22, 23, 24 28, 33 & 39, Moyer, Sen, Goh and Humpleman together taught the method of claim 13, as described above. Moyer further teaches – **The server connected to the external network including second packet generation and second communication units operable to generate and send a notification packet containing a server identifier as well as the home terminal apparatus including storage, extraction and packet generation units operable to store and extract server identifier / address and / or to generate a connection request of claims 22, 23, 24, 33 39 the port number of claim 23, the application server URL of claim 24, are obvious from (paragraphs [0020] and [0099]) in connection with the state-of-art IP addressing standardized in the IETF Internet Protocol Suite.**

Regarding claim 25, Moyer, Sen, Goh and Humpleman together taught the method of claim 24, as described above. Moyer further teaches – **The address list notification**

server including a sending unit operable to send address list notification packets and the home server update unit operable to update the stored application server address data in claim 25 are obvious from the address and name resolution mechanisms (e.g., DNS) being part of the IETF Internet Protocol Suite as well as from SIP REDIRECT (paragraph [0018]).

Regarding claim 26, Moyer, Sen, Goh and Humpleman together taught the method of claim 1, as described above. Moyer further teaches – The direct connection between router and external networks of claim 26 is known from scenarios in which a network is divided into more than one sub-domains, a typical application scenario for standard edge routers with NAT functionality.

Response to Arguments

Applicant's argument with respect to claims 1, 4-27, 29, 33 and 38-39 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sulaiman Nooristany whose telephone number is (571) 270-1929. The examiner can normally be reached on M-F from 9 to 5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Pwu, can be reached on (571) 272-6798. The fax phone number for the organization where

this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sulaiman Nooristany 03/10/2009

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2446